

ADM-11.34, "Employee-Inmate Relations," June 1, 2005

SCDC POLICY/PROCEDURE

NUMBER: ADM-11.34

TITLE: EMPLOYEE INMATE RELATIONS

ISSUE DATE: JUNE 1, 2005

RESPONSIBLE AUTHORITY: DIVISION OF HUMAN RESOURCES

OPERATIONS MANUAL: ADMINISTRATION

SUPERSEDES:ADM-11.34 (July 1, 2004)

RELEVANT SCDC FORMS/SUPPLIES: None

ACA/CAC STANDARDS: 4-ACRS-7E-07, 3-4048

STATE/FEDERAL STATUTES:Section 44-23-1150, South Carolina Code of Laws, 1976, as amended

THE LANGUAGE USED IN THIS POLICY/PROCEDURE DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY/PROCEDURE DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY/PROCEDURE, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

PURPOSE: To ensure that employees conduct themselves in a reasonable and professional manner in their relationship with inmates and/or any other persons presently under the jurisdiction of the South Carolina Department of Corrections.

POLICY STATEMENT: To promote professionalism and to provide for a safe and secure working environment, Agency employees will be expected to exercise discretion and good judgment in their relationship with inmates and/or any other persons presently under the jurisdiction of the Department. Employees will be required to ensure that all interactions with inmates are in keeping with all applicable Agency policies/procedures, American Correctional Association Standards, and state and federal statutes. Employees will restrict contact with inmates to those areas that are part of their official position duties. Other matters outside of their official position duties should be referred to the person most appropriately responsible for the inmates' concerns or problems. See SCDC Policy/Procedure ADM-11.39, "Staff Sexual Misconduct with Inmates" for information regarding the Agency's response to illegal sexual misconduct. (4-

SPECIFIC PROCEDURES:

1. Employees SHALL do the following WHEN DEALING WITH INMATES:

1.1 Maintain a professional, fair and consistent, but firm demeanor in their relationship with inmates. (NOTE: When an employee must discuss an inmate's problem(s) with that inmate, the employee will exhibit a helpful attitude, and only try to solve problems/answer questions within the scope of his/her official position and duties. Matters that are outside of a specific employee's official duties will not be discussed, but will be referred to the appropriate source of help for information.);

1.2 Conduct him/herself in a manner to avoid being placed in a situation which could compromise their professional integrity, compromise security, or cause embarrassment to the Department of Corrections; and

1.3 During the November/December holiday season, work area supervisors may provide one light refreshment work break (i.e., punch and cookies, no meals) for their inmate workers. No food may be carried back to an institution or housing area. All events involving inmates during the holiday season must be approved by the respective Warden or Division Director.

2. Employees shall not do THE following WITH INMATES:

2.1 Discuss personal matters or confidential Agency matters with inmates under SCDC's jurisdiction;

2.2 Date, marry, engage in horseplay, or otherwise develop a personal relationship with an inmate;

2.3 Engage in sexual contact, oral sexual contact, or sexual intercourse with an inmate or any offender under SCDC's supervision;

2.4 Perform personal services for inmates which are not in keeping with authorized Agency operations;

2.5 Enter into a business relationship with inmates, the inmate's family, or anyone representing on behalf of the inmate; barter, trade with, sell to, accept gifts from or give gifts to, or buy items from inmates, family members of inmates, or persons representing/acting in behalf of inmates, to include business associates of inmates, except as may be authorized by advanced written approval of the Agency Director or by SCDC Policy/Procedure PS-10.06, "Inmate Hobbycraft Program;"

2.6 Borrow or steal from inmates nor will they loan money or goods to inmates;

2.7 Give an inmate any food or beverage brought from outside the institution or purchased from an institutional canteen, store, or vending machine without written permission of the Warden/designee; or

2.8 Allow inmates to address them by their first name (employees should be addressed by Mr., Ms., Officer, Sgt., etc.). Such conduct will result in disciplinary action for the inmate in accordance with SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System."

3. CORRECTIVE ACTION:

3.1 Employees violating these procedures will be subject to corrective action up to and including termination in accordance with SCDC Policy/Procedure ADM-11.04, "Employee Corrective Action."

3.2 Employees who are terminated for violation of this policy/procedure will be denied visiting privileges pursuant to SCDC Policy/Procedure OP-22.09, "Inmate Visitation." See SCDC Policy/Procedure ADM-11.39, "Staff Sexual Misconduct with Inmates" for information regarding the Agency's response to illegal sexual misconduct. Employees will not subject inmates to any form of sexual harassment, physical, verbal, or sexual abuse.

3.3 It is a criminal offense for any person to furnish or attempt to furnish an inmate any substance that has been declared contraband by the Agency Director; or to aid or assist in any manner the escape of an inmate; or to aid or conspire with an inmate in the commission of any other criminal activity. The Agency will terminate the employment of any employee committing such acts and will pursue prosecution, if appropriate.

4. DEFINITIONS:

Sexual Abuse any act of a sexual nature that takes advantage of or exploits an inmate or sexual contact obtained by persuasion, inducement, enticement, compulsion, influence, encouragement, intimidation, seduction, use of authority, threat of harm or loss of privileges, promises, favoritism, coercion, force, etc.

Sexual Harassment refers to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or privileges or rights; or
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or decisions regarding privileges or rights affecting the individual; or
- c. Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive environment.

—
s/Jon E. Ozmint, Director

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